

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

De'Angelo Harrison, #330576,)	C/A No. 8:14-1196-JMC-JDA
)	
Plaintiff,)	
)	REPORT AND RECOMMENDATION
vs.)	
)	
South Carolina Department of Corrections;		
Medical Staff at Allendale C.I.; Byrne)		
Thomas E, <i>a/k/a Thomas Byrne</i> ; Pamela C)		
Derrick; Director of Health Services John)		
Solomon, <i>PHD</i> ; Director of Medical John)		
Tomarchig; Warden at Ridgeland C.I. Levern)		
Cohen; Lieutenant S. Watson, <i>also at</i>)		
<i>Ridgeland</i> ; Chris R. Lloyd; George J.)		
Amonitti; Karina M. Callaway; Ella L.)		
Simmons; and Dr. Elkins,)	
)	
Defendants.)	
)	

This matter is before the Court with regard to the unserved Defendant Karina M. Callaway. On August 28, 2014, this Court entered an order directing Plaintiff to complete and return to the Clerk of Court a new summons form and Form USM-285 for Karina M. Callaway with a new updated address, or to notify the Court in writing whether he agrees to dismiss the defendant without prejudice, or whether he seeks additional time for service of process with supporting reasons for such a request. [Doc. 61.] This Court warned Plaintiff that if he did not respond to the order and/or did not provide a new summons form and Form USM-285 for Karina M. Callaway with a new updated address for the unserved defendant, this Court will recommend that Karina M. Callaway be dismissed without prejudice. [*d.*] On September 10, 2014, Plaintiff filed a response to this Court's August 28, 2014, Order. [Doc. 66.] Therein, Plaintiff notifies this Court that, although he believes that Karina M. Callaway was an employee of SCDC at Ridgeland Correctional Institution, he

does agree to dismiss her from this action. [*d.*] Accordingly, because Plaintiff consents to dismissing her, it is recommended that Karina M. Callaway should be dismissed from this action without prejudice. See Fed. R. Civ. P. 4(m).

s/ Jacquelyn D. Austin
United States Magistrate Judge

September 10, 2014
Greenville, South Carolina

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
300 East Washington Street, Room 239
Greenville, South Carolina 29601

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).